

# **CITY OF McMinnville**

## **BOARD OF APPEALS**

### **WHAT IS THE BOARD OF APPEALS?**

The City of McMinnville is responsible for the enforcement of the Uniform Building, Plumbing, and Mechanical Codes and the Uniform Code for the Abatement of Dangerous Buildings in accordance with Ordinances 3903 and 4454. It is the City's desire to provide a local appeals procedure of Building Division decisions to expedite conflicts of contractors and homeowners. To comply with these ordinances and meet local needs, the board of Appeals was created by Ordinance 3970 in 1978 and was later expanded by Ordinance 4454 in 1989.

The Board consists of five members appointed by the City Council. The members have various construction backgrounds and serve a four-year term. The Building Official and Fire Marshal serve as ex officio members and have no vote on matters before the Board. The Building Official also serves as secretary to the Board.

The powers of the Appeals Board are granted through code sections in the building, plumbing, and mechanical codes.

### **WHAT MATTERS CAN BE APPEALED?**

The Board has no authority relative to interpretation of the administrative provisions of the codes, nor shall the Board be empowered to waive requirements of the codes.

When there is an appeal of the Building Official's decision related to the use of materials or methods of construction which are somewhat different from those specified in various codes, an appeal may be made to the Board.

### **APPEAL PROCESS**

If someone wishes to appeal a code issue, the appeal should be submitted to the Building Division. This appeal would consist of Form No. 15-412 (attached) and any relevant information pertaining to said appeal. For appeals of alternative materials and methods of construction, the applicant must provide information which proves the alternate is at least equivalent to that prescribed in the code in:

1. suitability
2. strength
3. effectiveness
4. fire resistance
5. durability
6. safety
7. sanitation

Upon receipt of an appeal by the Building Division, an Appeal Board meeting will be arranged at the Board's earliest convenience (this is generally within one to two weeks of appeal submittal). During

this time, City staff will review the appeal and pass the complete appeal application and other pertinent information on to the Board members (applicable code sections, definitions, product information, etc.)

The appellant is notified of the meeting date.

## **WHAT HAPPENS DURING THE MEETING?**

Currently, the Board of Appeals has chosen to conduct its meetings in an informal manner. Generally the Board requests the appellant to present their case to the Board. The appellant may bring any informational material, visual aides, or persons which may assist them in the appeal. After the appellant has completed the presentation, the Building Official, Fire Marshal, or other present representatives, their position of the appeal. During this process, the Board generally asks questions of both sides, using an informal meeting atmosphere.

After the Board feels it has heard all of the information available, a discussion of Board members is held. The Board will then generally rule on the appeal. There may be occasion when the Board may continue the matter to another meeting date in order to perform additional research on their own, or request that either party perform additional research.

The Board then prepares a written ruling of the appeal and distributes a copy to the Building Official and appellant. The Building Division prepares minutes of the meeting that are distributed to the Board and appellant.

## **WHAT IF AN APPELLANT WISHES TO APPEAL THE BOARD'S DECISION?**

In accordance with ORS 455.690, any person aggrieved by the final decision of a municipal appeals board may, within 30 days after the date of the decision, appeal to the appropriate state advisory board as listed below:

- Structural Code-Building Codes Structures Board (Final decision)
- Mechanical Code-Building Codes Structures Board (Final decision)
- Dwelling Code-Building Codes Structures Board (final decision)
- Plumbing Code-Plumbing Board (Final decision)
- Manufactured Home Installation Standard-Manufactured Structures & Parks Board (Final decision)
- Park & Camp Rules- Manufactured Structures & Parks Board (Final decision)

Date \_\_\_\_\_

Case No. \_\_\_\_\_

## CITY OF McMINNVILLE

### BOARD OF APPEALS

Appeal for an Interpretation of the Specialty Codes

For construction located at \_\_\_\_\_

of a Type \_\_\_\_\_ building to be used for \_\_\_\_\_

Name of owner \_\_\_\_\_ Phone No. \_\_\_\_\_

Address of owner \_\_\_\_\_

Name of contractor \_\_\_\_\_

In accordance with the provisions of City Ordinance 3970, I hereby apply to the Board of Appeals for an interpretation of Section \_\_\_\_\_ of the \_\_\_\_\_ code for the following reasons (attach extra pages if necessary):

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(Attach plot plans, application for permit, construction drawings, and other supporting data).

\_\_\_\_\_  
OWNER'S SIGNATURE

Fee: \_\_\_\_\_

Meeting Date: \_\_\_\_\_